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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,934	06/14/2001	Yasumi Sago	K-1984	4444

7590

02/24/2003

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EXAMINER

KACKAR, RAM N

ART UNIT

PAPER NUMBER

1763

DATE MAILED: 02/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,934

Applicant(s)

SAGO ET AL.

Examiner

Ram N Kackar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mountsier et al (US 5810933) in view of Sexton et al (US 6377437).

Mountsier et al disclose an electrostatic chuck (Fig 1 and Col 1 lines 39-54), comprising a dielectric layer (Fig 1-4), chucking electrode (Fig 1-2), temperature control (Col 1 line 41 and Col 8 lines 40-49), chucking power source (Fig 1-14), chucking surface concaves for heat exchange gas (Fig 11b), under pressure (Col 7 line 48), gas distribution concave (Fig 11b -74) which are deeper than heat exchange concaves (Fig 11b), gas distribution concaves formed in coaxial with the center of the stage (Fig 7), the depth of heat exchange concaves being below 40 μm (Col 10 line 65) and the depth of gas diffusion concaves being 700 μm (Col 13 line 14), the contact area being 10% (Col 9 line 42), main body cooling cavity (Fig 3) and a heat conducting layer between dielectric and main body for cooling (Fig 5-54).

~~Area of gas diffusion concaves is indirectly disclosed to be at least 5% (on a wafer of 200 mm diameter (Col 11 line 37) and diffusion concave width of 0.5 to 2.5 mm (Col 13 line 16) and plan view of Fig 15a to 19 b will yield an estimate of at least 5%).~~

~~Mountsier et al do not disclose lift pin provided in gas introduction channel.~~

Sexton et al disclose cooling gas flowing through lift pin holes (Abstract and Fig 9-46).

Therefore it would have been obvious for one with ordinary skill in the art at the time invention was made to use gas channel hole for dual purpose of lift pin hole as well as cooling gas channel to make the design simpler and economical.

Response to Amendment

3. Applicant's arguments filed 1/22/2002 have been fully considered but they are not persuasive. Applicant has argued that Mountsier et al does not disclose lift pins and that in Sexton et al gas is not supplied in the concaves of the dielectric block. Mountsier et al or Sexton et al alone do not disclose all the limitations but, as explained before, it would have been obvious to combine the teaching of Sexton et al to Mountsier et al to get the claimed invention.

4. Regarding Applicants arguments in regard to Yamada et al that temperature control is not disclosed in Yamada et al is not agreed. Column 1 lines 57-64 of the reference clearly disclose temperature control. However this point has become moot because Yamada et al is not relied upon in this office action.

Conclusion

5 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shamouilian et al (US 6462928) and Yamada et al (5946183).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

~~Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).~~

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N Kackar whose telephone number is 703 305 3996. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on 703 308 1633. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9310 for regular communications and 703 872 9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

RK
February 20, 2003


BENJAMIN L. UTECH
SUPERVISORY PATENT EXAMINER
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